



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
LANSING



LIESL EICHLER CLARK  
DIRECTOR

February 26, 2020

CERTIFIED MAIL – 7014 0150 0001 0742 4729  
RETURN RECEIPT REQUESTED

Mr. Jerry Chinn, President  
Diamond Chrome Plating Inc.  
604 South Michigan Avenue  
P.O. Box 557  
Howell, Michigan 48843

Dear Mr. Wright:

SUBJECT: Violation Notice and Demand for Past Costs Payment; Diamond Chrome Plating Facility (Facility); 604 South Michigan Avenue, Howell, Livingston County; Facility ID No.: 47000202

Pursuant to Section 6.8 of the First Amended Consent Decree (FACD), No. 03-1862-CE, all physical components of the remedial action were to be constructed and fully operational by December 31, 2019. Diamond Chrome Plating (DCP) has installed three extraction wells and is currently extracting and treating contaminated water at irregular intervals. The intermittent operation of the extraction wells is insufficient to maintain a capture zone that addresses groundwater contamination both on and off DCP's property. To date, the Contaminant Investigation (CI) remains incomplete for volatilization to indoor air pathway (VIAP) and the evaluation of emissions to the ambient air from contaminated soil sources exceeding criteria at the Facility. The volatilization to indoor air pathway includes the evaluation of preferential pathways for vapor movement through subsurface utility corridors such as storm and sanitary sewers. Because the investigation of the VIAP and soil volatilization to ambient air pathways remains incomplete, the need for physical components or control for these pathways has not been established. For these reasons, the remedial action is not fully operational as required by the FACD. On October 30, 2019, DCP requested an extension to the December 31, 2019 deadline, which the Department of Environment, Great Lakes, and Energy (EGLE) denied in writing on December 11, 2019. On January 22, 2020, DCP verbally requested that EGLE reconsider the extension request. EGLE denied the extension request on February 13, 2020. Therefore, DCP is in violation of Section 6.8 of the FACD. Please be advised that stipulated penalties related to this violation of the FACD are accruing pursuant to Section 16.2 of the FACD.

Since, the CI required pursuant to Section 6.7 of the FACD remains incomplete this is also an ongoing violation of the FACD. EGLE indicated to DCP in correspondence dated July 20, 2018, December 20, 2018, and February 19, 2019, that stipulated penalties related to this ongoing violation are accruing.

Pursuant to Section 15.1 of the FACD, DCP is responsible for the payment of \$69,003.19 that corresponded with the construction and operation of remedial action deadline. Pursuant to Section 15.4 of the FACD, all payments made pursuant to Paragraphs 15.1 shall be made by

check. Please make the check payable to the "State of Michigan – Environmental Response Fund" and remit to the following address within thirty (30) days of receipt of this letter.

Michigan Department of Environment, Great Lakes, and Energy  
Cashiers Office  
P.O. Box 30657  
Lansing, Michigan 48909-8157

Please designate "Diamond Chrome Plating Inc. Facility", the Ingham County Court Case Number, and the EGLE Account Number MUL 3011 on the check.

If you have any further questions regarding this matter, please contact Ms. Rebecca Taylor, Project Coordinator, 517-284-5160; [taylorr@michigan.gov](mailto:taylorr@michigan.gov); or DEQ, Lansing District Office, 525 West Allegan Street, Lansing, Michigan 48909; or you may contact me.

Sincerely,



Mike Neller, Director  
Remediation and Redevelopment Division  
517-284-5144

cc: Ms. Celeste Holtz, BB & E  
Mr. Todd Fracassi, Pepper Hamilton, LLP  
Mr. Brian Negele, Michigan Department of Attorney General  
Mr. Joshua Mosher, EGLE  
Mr. Darren Bowling, EGLE  
Mr. David LaBrecque, EGLE  
Ms. Rebecca Taylor, EGLE  
Mr. Dan McGeen, EGLE  
Mr. Bryan Grochowski, EGLE  
Ms. Melinda Shine, EGLE  
Ms. Carla Davidson, EGLE  
Ms. Vicki Katko, EGLE  
Ms. Katelyn Wysocki, EGLE  
Ms. Alexandra Clark, EGLE  
Mr. Malcolm Meade O'Brien, EGLE  
Ms. Renee Denison, EGLE